

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:13-CV-55-BO


JOHN BLACK,)
)
Plaintiff,)
)
v.) ORDER
)
CAROLYN W. COLVIN,)
Acting Commissioner of Social Security,)
)
Defendant.)

Plaintiff's counsel filed a motion for approval of attorney's fees under section 206(b) of the Social Security Act (Act) in the amount of \$18,973.00. Attorney's fees under section 206(b) of the Act are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). The fee request is in addition to the \$5,000.00 in fees awarded by this Court under the Equal Access to Justice Act (EAJA) (D.E. #34).

Defendant filed a response to the motion noting that, under Gisbrecht v. Barnhart, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ordered that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$ 15,000.00, and ordered to refund to Plaintiff the smaller award between this amount and the EAJA award.

So ordered, this 31 day of October, 2014.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE